

Order

Michigan Supreme Court
Lansing, Michigan

December 14, 2007

Clifford W. Taylor,
Chief Justice

130318

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ROBERT COSTA, Personal
Representative of the Estate of
Jayne J. Costa, Deceased,
Plaintiff-Appellant,

v

SC: 130318
COA: 256673
Washtenaw CC: 02-001480-NH

OTTO GAGO, M.D.,
Defendant-Appellee,

and

MICHIGAN HEART & VASCULAR
INSTITUTE, INC., and ST. JOSEPH
MERCY HOSPITAL, ANN ARBOR,
a/k/a TRINITY HEALTH MICHIGAN,
Defendants.

By order of April 13, 2007, the application for leave to appeal the December 6, 2005 judgment of the Court of Appeals was held in abeyance pending the decision in *Mullins v St Joseph Mercy Hosp* (Docket No. 131879). On order of the Court, the case having been decided on November 28, 2007, ___ Mich ___ (2007), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, REINSTATE the order of the Washtenaw Circuit Court denying the defendant's motion for summary disposition, and REMAND this case to the Washtenaw Circuit Court for further proceedings not inconsistent with this order and the order in *Mullins*.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 14, 2007

Corbin R. Davis

Clerk